THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.5499 of 1997

Dated 31-01-2007

Between:
Smt Mandata Graceamma.

..... PETITIONER

AND

The District Educational Officer, Krishna District, Machilipatnam & others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.5499 of 1997

O R D E R:

The petitioner, a B.Ed Assistant in the first respondent school, seeks a direction to the respondents to promote her forthwith as B.Ed Assistant and grant her all consequential benefits.

The petitioner was appointed as a secondary grade teacher in 1969 by the third respondent, which was approved by the first respondent. She secured B.Ed qualification in the year 1982 and completed her master's degree in Arts in 1989. One post of B.Ed Assistant fell vacant in the year 1985 consequent upon the resignation of Smt. Sandhya Shoba on 13-11-1985, who was then working as B.Ed Assistant. Despite the petitioner's request that she be appointed in the said vacancy, the first respondent by proceedings dated
21-04-1987 appointed Smt. T.Swarnalatha. The petitioner would contend that as Smt. T.Swarnalatha was the niece of the then correspondent, she was appointed as B.Ed Assistant though she was far junior to the petitioner. The petitioner filed W.P.No.15205 of 1989 and this Court, by order dated
27-10-1989, disposed of the writ petition directing the respondents to dispose of the representation of the petitioner within three weeks. Pursuant thereto, the third respondent by order dated 08-11-1989, reverted Smt T.Swarnalatha from the post of B.Ed Assistant and promoted the petitioner as B.Ed Assistant. However, on 09-11-1989, the fourth respondent issued a telegram cancelling the petitioner's promotion dated
08-11-1989. Vide proceedings dated 27-11-1989, the third respondent was asked to send Smt T.Swarnalatha for the

interview on 04-12-1989 but Smt T.Swarnalatha did not appear for the interview on the said date. In the proceedings dated 27-11-1989, the fourth respondent clearly stated that if Smt T.Swarnalatha did not attend the interview, the petitioner shall be promoted as B.Ed Assistant. According to the petitioner, Smt T.Swarnalatha did not appear for the interview on 04-12-1989 and instead, filed W.P.No.16472 of 1989 seeking a direction that she be continued as B.Ed Assistant. This Court, by order in WPMP.No.21761 of 1989, dated 23-11-1989, directed to maintain status quo. The petitioner filed W.P.No.7956 of 1993 questioning the appointment of Smt T.Swarnalatha as B.Ed Assistant as arbitrary and illegal and contended that though she was working as secondary grade teacher from 01-04-1969 and was fully qualified as B.Ed Assistant, she was not promoted as B.Ed Assistant. This Court, by order dated 21-06-1993, disposed of W.P.No.7956 of 1993 directing the petitioner to make a representation to the District Educational Officer or the Regional Joint Director seeking appointment as B.Ed Assistant. The petitioner submitted a representation to the District Educational Officer, but no orders were passed on the representation on the ground that W.P.No.16472 of 1989 was pending on the file of this Court and there was an interim order of status quo. According to the petitioner, since W.P.No.16472 of 1989 was dismissed for default by order dated 08-04-1996 and WPMP.No.13595 of 1996 filed by Smt T.Swarnalatha seeking restoration of W.P.No.16472 of 1989 was also dismissed for default on 24-06-1996, the interim order of status quo passed during the pendency of the writ petition does not survive and in view of the fact that the status quo

order no longer existed, the respondents ought to have promoted the petitioner as B.Ed Assistant and as she was not promoted as B.Ed Assistant, she approached this Court. The petitioner would also refer to the fact that the first respondent, vide proceedings dated 06-08-1996, had, requested the third respondent to submit the remarks on the representation of the petitioner and that the first respondent, by proceedings dated 25-11-1996, had again requested to submit the remarks, which was also of no avail. The petitioner would also submit that despite her representation to the District Educational Officer, her case for promotion was not considered.

It is well settled that the interim order passed pending disposal of the writ petition does not survive dismissal of the writ petition and in view of W.P.No.16472 of 1989 having been dismissed, albeit for default, the earlier interim order of status quo does not survive. In the absence of status quo order, there was no prohibition for the first respondent to consider the representation of the petitioner in accordance with the earlier orders of this Court. Inasmuch as, and in view of the fact that there is no embargo on the first respondent to consider the representation of the petitioner dated 21-02-1997, there shall be a direction to the first respondent to consider the representation of the petitioner dated 21-02-1997, a copy of which the petitioner shall furnish within two weeks from today and the first respondent shall dispose of the said representation within two months thereafter.

The Writ Petition is accordingly disposed of. No order as to costs.

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31-01-2007

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